Sing... 92/1007 (3)

IN THE HIGH COURT OF JUDICATURE CHHATTISHGARH AT BILASPUR

W.P. No. ...134.../2005

Petitioner: -

Dr. J.L.Uikay S/o Sukhlal Aged 40 yr. Profession Astt. Surgeon primary Health Center. Charama District Kankar, Uttar Bastar (C.G.)

Vs

Respondents: -

1. State of C.G. through Chief Secretary, State of C.G. D.K. Bhawan Raipur (C.G.)
2. Director Health Services Chhattishgarh Raipur.
3. Chief Medical & Health Officer kankar.

WRIT-PETITION UNDER ARTICLE 226 & 227 OF THE CONSTITUTION OF INDIA

Received
Clerk to ...

नोट
श्रीमती कांति धार
तखतपुर, बिलासपुर
MP/06/02/1-2000
(छ.ग.) शासन

(19)

HIGH COURT OF CHHATTISGARH AT BILASPUR
W.P. No. 134 of 2005

Petitioner Dr. J. L. Uikay

Versus

Respondents State of Chhattisgarh & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri Kishore Bharat, Advocate for the petitioner.

V. V. S. Murthy, Deputy Advocate General with Smt. Anju Ahuja, Deputy Govt. Advocate for the respondents/State.

ORDER

(Passed on this 9th day of March, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner while working as Assistant Surgeon at Primary Health Center, Charama, District- Kanker was transferred to Sukma, within the same district, on the same terms and conditions vide impugned order dated 9.7.2004 (Annexure A/1).
2. Learned counsel appearing for the petitioner submits that according to the policy of the Government, an employee, who is posted in tribal area and had completed five years of his service should be considered for posting in a non-tribal area of the employer's choice and secondly, in the event spouse is also a government servant, the posting of husband and wife be made at a particular place, as far as possible.
3. No interim relief was granted in this petition. Thus with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents/State are directed to see the averments made by learned counsel for the petitioner, if in future, the petitioner is transferred to any other place in public interest due to administrative exigency.
4. As a result, this petition is dismissed having become infructuous. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur